

Appln. No. 10/815,266
Amendment dated May 3, 2006
Response to Office Action dated November 3, 2005

Remarks/Arguments

The foregoing amendments and these remarks are in response to the Office Action, dated November 3, 2005. At the time of the Office Action, claims 1-23 and 37-51 were pending in the application. Claim 13 was objected to. Claims 22 and 23 were rejected under 35 U.S.C. § 112. Claims 1-16, 21-23 and 37-51 were rejected under 35 U.S.C. § 102. Claims 17-20 were rejected under 35 U.S.C. § 103. Each of the objections/rejections will be addressed in turn below.

Claim Objections

Claim 13 was objected to because of insufficient antecedent basis for the recitation of "the main casing." Claim 13 has been amended and now recites "the main body," which has antecedent basis in claim 1. Therefore, it is respectfully submitted that the objection to claim 13 has been satisfactorily addressed. Though claim 51 was not objected to in the Office Action, Applicant noticed that the phrase "the main casing" was also used in claim 51, which previously recites a "main body." Claim 51 has been amended to consistently use the term "main body" throughout the claim.

Claim Rejections under 35 U.S.C. § 112

Claims 22 and 23 were rejected under 35 U.S.C. § 112, ¶2 as being indefinite. Specifically, the Office Action characterized the phrase "at least about" as indefinite because "it is unclear if 'at least about' can include numbers below the specified value. Applicant submits that the term "about" does allow for numbers below the specified value. Use of the phrase "at least about" in patent claims is a well established practice. Here, "at least" establishes a lower limit of the spacing, while the term "about" recites that the claim is not strictly limited to the exact value to provide for such things as, for example, tolerance variations. There are numerous

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cases in which the phrase "at least about" or variants thereof was upheld. See e.g. Hybritech, Inc. v. Abbott Labs., 849 F.2d 1446 (Fed. Cir. 1988). Accordingly, it is respectfully submitted that claims 22 and 23 are presented in an acceptable format to include numbers below the specified value.

Art-Based Rejections

Claims 1-16, 21 and 37-51 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,233,401 ("Leung"). Each of the independent claims will be examined in turn and, where appropriate, the claims depending therefrom.

Independent Claim 1

Claim 1 recites that the film chamber is sized to selectively receive one of a roll of film and a secondary cassette housing a roll of film light-tightly therein. In support of its rejection, the Office Action points to Leung at col. 6, lines 25-26 as disclosing this element. It is respectfully submitted that Leung does not support the rejection.

Leung discloses a roll of film in the film chamber, it does not disclose the use of a secondary cassette in the film chamber. While the film chamber of Leung may be able to accommodate a roll of film, it does not follow that the film chamber is large enough to receive a secondary cassette. For instance, if the film chamber is just long enough to receive a roll of 35 millimeter film, it will not be able to receive a secondary cassette that encloses such film. Therefore, it cannot be said that the film chamber of Leung is sized to selectively receive a roll of film or a secondary cassette, as recited in claim 1.

Further, the Office Action's reliance on Leung at col. 6, lines 25-26 is not well founded. Leung states as follows:

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As an alternative, the access member 24, or one or other of the plates 26, 28 may be unitarily formed with the camera body at the lower part of the chamber 10; however the provision of a separate member facilitates its assembly. **It also means that different members not in accordance with the invention may be fitted to the camera body**, for example to accommodate a spool or a film-receiving cassette; thus, a single camera body may be utilised with various film-receiving arrangements.

Leung at col. 4, lines 20-29 (emphasis added to show portion cited by Office Action).

It is respectfully submitted that the sentence relied on in the Office Action cannot be read out of context. This paragraph begins by noting that, as an alternative to fitting an access member 24 (the Office Action characterizes as an endcap assembly) at the bottom of the film-receiving chamber 10 (as discussed in the preceding paragraph), the access member 24 or one of its plates can be formed as a unitary structure with the camera body. Then, the next sentence -- the one relied on in the Office Action -- begins with the word "it." Applicant respectfully submits that "it" refers to an alternative of a separate access member 24. In other words, the sentence is properly read as follows: instead of providing a separate access member 24, different members not in accordance with the invention may be fitted to the camera body.

When properly read, Leung is presenting the alternative possibility that something entirely different can be used in place of the access member 24. Leung cannot be read to say that a DCS secondary cassette is used in combination with endcap assembly. Indeed, if Leung had intended a secondary cassette to be used simultaneously with an endcap assembly, then there would be no reason for Leung to draw a distinction between a unitary and a removable access member 24 in the beginning of the paragraph. Thus, it is only with hindsight of the current invention that Leung is read to teach the use of an endcap assembly (access member 24) in combination with the secondary cassette of a DCS film system.

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Further, the specification of Leung teaches away from the use of DCS film systems. In the background of the invention, Leung notes that there is "a need for a disposable or single-use camera which not only overcomes the problems associated with the use of a winding spool in these cameras, but allows daylight loading and which does so without increasing the weight of the camera or its manufacturing costs." Leung at col. 2, lines 1-5. At col. 1, lines 47-60, Leung discusses a DCS film system, noting that the film receiving cartridge (the secondary cassette) adds weight to the camera and increases its manufacturing cost. Further, since the film is wound from the supply cartridge to the receiving cartridge outside of the camera, this procedure must be performed under darkroom conditions, slowing production and adding to manufacturing costs. These aspects of the DCS film system are in direct contrast to the stated objects of the invention, and, thus, Leung teaches away from the use of DCS film in connection with its camera.

Therefore, for at least the reasons set forth above, claim 1 is distinguishable over the cited art

Claims Depending From Claim 1

Because claim 1 is distinguished from Leung, all claims depending from claim 1 necessarily distinguish over the cited reference. However, Applicant would like to discuss some of the dependent claims.

Claims 6, 7 and 11 all recite some portion of the shutter support plates being formed with the back cover of the camera. The Office Action rejected these claims based on Leung, but there is no citation to any portion of Leung to support the rejection. For example, in connection with claim 6, the Office Action simply states "where at least a portion (apertured member) of one of the shutter support plates of the endcap assembly is formed with the back cover (14)." Applicant

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respectfully submits that Leung does not support the rejection. Nowhere does Leung disclose that any portion of the shutter support plate can be formed with the back cover. Therefore, the rejection of claims 6, 7 and 11 cannot stand.

Further, claim 13 recites that the main body provides a cradle at the lower end of the film chamber on which the endcap assembly can be mounted. The Office Action relies on Fig. 2 of Leung as well as col. 6, lines 14-19 to support the rejection. At best, Fig. 2 can be considered ambiguous. No structure is shown on which the endcap assembly can be mounted. Further, the cited passage of Leung only mentions that as "the access member 24 is fitted, the legs 52 snap-fit into corresponding openings provided in the main body 4." There is no mention of a cradle-like structure. Therefore, Leung does not anticipate claim 13.

Claim 21 recites that the upper wall and an inner face of the endcap assembly of the film chamber are substantially smooth. According to the Office Action, "Leung teaches in Fig. 1 that the upper wall (in chamber 10) and in Fig. 4 the inner face of the endcap assembly (26) of the film chamber are substantially smooth." It is respectfully submitted that the rejection is not well founded. Fig. 1 shows only a portion of the upper wall of the chamber 10 in Leung. For the portion that is shown, it is not clear whether the upper wall of the chamber 10 in Leung is smooth. Moreover, there is no textual support in Leung to support the contention that the upper wall is smooth. Similarly, Fig. 4 provides no detail whatsoever as to the inner face of the endcap assembly. This surface cannot be seen in the drawings, nor is there any description of it in the text. Therefore, Leung does not disclose the feature recited in claim 21.

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Independent Claim 37

Among other things, claim 37 recites that an upper plane and a lower plane are spaced from about 36.7 millimeters to about 37.7 millimeters apart. The Office Action states that such spacing is disclosed by Leung, though no support is cited. A review of Leung reveals that there is no support for the rejection. Therefore, unless more specific support is provided, it is respectfully submitted that the rejection of claim 37 cannot be supported by Leung.

Therefore, for at least the reasons set forth above, claim 37 is distinguishable over Leung.

Claims Depending From Claim 37

Because claim 1 is distinguished from Leung, all claims depending from claim 1 necessarily distinguish over the cited reference. However, Applicant would like to discuss some of the dependent claims. For instance, claims 42, 43 and 47 recite that at least some portion of the shutter support plate is formed with the back cover. Claim 49 recites that the main body provides a cradle at the lower end of the film chamber on which the endcap assembly can be mounted. Claim 50 recited that the upper wall and the lower wall of the film chamber are substantially smooth. The previous discussion of the lack of such features in Leung applies equally to claims 42, 43, 47, 49 and 50. Therefore, for these additional reasons, these claims are distinguishable over Leung.

Independent Claim 51

Claim 51 recites that the film chamber is sized between the upper wall and the endcap assembly to selectively receive one of a roll of film and a secondary cassette housing a roll of film. For the same reasons presented in connection with claim 1, Leung does not disclose each

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element of claim 51. Therefore, it is respectfully submitted that the rejection of claim 51 has been overcome.

Claims 22 and 23

Claims 22 and 23, as understood by the Examiner, were rejected under 35 U.S.C. § 102(b) as being anticipated by Leung. Claim 22 recites that a plane defined by the upper wall of the film chamber and a plane defined by the inner face of the endcap assembly are spaced at least about 36.7 millimeters apart. According to the Office Action, Leung teaches such spacing "since 35 millimeter cartridges are at least 36.7 millimeters in length. Applicant respectfully submits that there is no such disclosure in Leung. Indeed, the Office Action does not cite any part of Leung in support of the rejection. If the Office Action is relying on information outside of the Leung reference, then Applicant respectfully requests that it be brought to Applicant's attention for consideration.

Similarly, in connection with claim 23, the Office Action notes that "35 millimeter cartridges are at least 35.2 millimeters in length." Again, there is no support in Leung for this contention and no support is cited. Therefore, the rejection of claims 22 and 23 based on Leung is not well founded.

Claims 17-20

Claims 17-20 were rejected under 35 U.S.C. § 103(a) as being obvious over Leung in view of U.S. Patent No. 6,427,050 ("Chan"). It is respectfully submitted that the rejection is not well founded.

First, there is no motivation to combine Leung and Chan. According to the Office Action, it would have been obvious "to install a secondary cassette including an endcap as taught

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by Chan in the camera of Leung since the cassette and endcap assembly taught by Chan is one of the possible forms that the cassette would take in the final stages of manufacturing a film cartridge." Applicant respectfully submits that the Office Action's basis for the combination is not fully understood. Further, the Office Action does not provide any support for its statement. But, in any event, the combination of Leung and Chan is not proper because, as discussed above in connection with claim 1, Leung actually teaches away from the use a DCS film system. In light of the above, one skilled in the art would not be motivated to combine the teachings of Leung and Chan.

Second, even if, for the sake of argument, that the Leung and Chan references can be combined, the combination does not teach each and every element of the inventions recited in claims 17-20. It is noted that the endcap assembly of Chan are a part of the secondary cassette and is necessary to light-tightly enclose the film therein. Claim 17 now recites that the lower side of the secondary cassette is aperture-free, which is in contrast to the secondary cassette disclosed in Chan. By necessity, the secondary cassette in Chan has an aperture, and it cannot be modified to exclude it. Further, the use of the secondary cassette with endcap assembly of Chan with the Leung camera having the access member 24 is redundant and may render the combination impractical. Therefore, for at least these reasons, the Leung-Chan combination fails to disclose each and every element of claim 17, and one skilled in the art would be motivated away from the combination.

Claim 18 recites that a lower side of the secondary cassette contacts the endcap assembly of the film chamber. Claim 19 recites that a lower side of the secondary cassette is substantially adjacent to the endcap assembly of the film chamber. Claim 20 recites that the secondary

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cassette is spaced from the endcap assembly of the film chamber. The Office Action provides no support in Chan or Leung for its contentions that the structural recitations in claims 18-20 are disclosed. Further, none of these structural recitations are met when the endcap assembly itself forms the lower side of the secondary cassette.

Therefore, for at least the reasons set forth above, claims 17-20 are not obvious in view of Chan/Leung

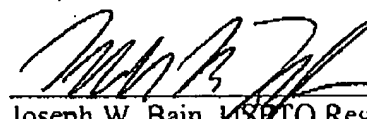
Conclusion

In light of the foregoing, it is respectfully submitted that the rejections set forth in the Office Action have been overcome. Accordingly, Applicant respectfully requests that the Examiner reconsider the claims currently pending in the application; withdraw the objections and the rejections under 35 U.S.C. § 102, 103 and 112; allow the pending claims; and promptly issue a timely Notice of Allowance.

Date: _____

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Respectfully submitted,



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